

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF EXETER TOWERS ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 121A OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on January 19, 1978, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application, (hereinafter called the "Application"), filed by Robert S. Bowditch, Jr. and Wesley E. Finch for Exeter Towers Associates (hereinafter called the "Applicants"), for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on January 4, 1978, and January 10 1978, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present throughout the hearing.

B. The Project. The project consists of the construction of a nine-story building on 17,812 square feet of land located in the Back Bay section of Boston. The site is presently vacant and is used as a surface parking lot. The building will contain 96 one and two bedroom units (approximately 93,000 square feet), 12,000 square feet of retail commercial space and one underground level of parking and ancillary facilities. The project will be financed with funds from a mortgage insured by HUD and under section 221(d)(4), a moderate income housing program and from equity of the Applicants.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, arguments and statements made at the hearing, and additional statements submitted subsequent to the hearing.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance of a decent, sanitary and safe residential building and appurtenant facilities and commercial and retail space.

D. Project Area Blighted, Open and Decadent Area. The Project area consists of a vacant lot now used for public surface parking creating an unsightly condition and generating traffic and resultant air and noise pollution. In addition, the open area has on one side a facade of the old interior brick walls of the building which formerly stood on the site. These walls are an eyesore and through exposure to the elements will become a safety hazard. The present use of the Project area for

parking lot purposes is found to be detrimental to the safety, health, welfare and sound growth of the adjacent portion of Newbury Street as a quality residential/retail area.

Further, it is unlikely that without the assistance provided under Chapter 121A the Project would be undertaken because of the small size of the lot and high cost of new construction. Construction costs are high because the party wall serving the abutting building must be extensively underpinned, because of the absence of on-site storage and because the subsoil conditions typical of the Back Bay area require costly foundations.

For these reasons it is found that the Project area is a blighted open area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. Exhibit F of the Application sets forth an example of the type of Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the fifteen (15) calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, Section 10.

Exhibit F is attached only for illustrative purposes and the approval of the Report and Decision does not bind the City or the Applicants to the terms and conditions of Exhibit F.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$4,709,594. The cost of

the Project will be financed by the Applicants with funds from a mortgage insured by the Federal Housing Commissioner under Section 221(d)(4) and from equity of the Applicants. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership to be called Exeter Towers Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be rehabilitated under the Project has been reviewed by the Design Review Staff of the Authority and is subject to further Design Review. The Authority finds that this Project will enhance the general appearance of the Area and furnish attractive and necessary living accommodations.

The carrying out of the Project will not in itself involve the destruction of any existing structures. The building involved in the Project involves no dislocation of any persons from their apartments.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781

of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code and the Building Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.

12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority Staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

1. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept

such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Exhibit E filed with and attached to the Application and a letter dated January 19, 1978, lists the Zoning and Building Deviations. For the reasons set forth in the Application and supporting documents, and on the basis of the evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning Deviations granted, are as follows:

1. Section 2-1 - 3B Configuration of Bay Windows

To permit ninety degree (90°) angle on one side and one hundred and thirty-five degree (135°) angle on the other side of the bay windows rather than one hundred thirty-five degree (135°) angles on each side.

2. Table B - Section 13-1 Rear Yard

To allow rear yard of seven and one-half (7.5) feet rather than twenty (2) feet required for dwelling uses and eighteen (18) feet required for commercial uses.

3. Table B - Section 13-1 Parapet Setback

To allow roof height of eighty-nine feet, eight inches (89'8") at Exeter/Newbury corner, eighty-four feet, eight inches (84'8") along Exeter Street and for a distance of fifty-four feet (54') from the Exeter/Newbury corner (all as shown on said Plans) without setback of parapets and for the balance of the Newbury Street elevation a roof height of eighty-four feet, eight inches (84'8") with a setback of four feet (4') rather than the required parapet setback at seventy feet (70').

4. Table B - Section 13-1 Usable Open Space

To allow four thousand (4,000) square feet of usable open space rather than forty-eight hundred (4,800) required.

5. Table B - Section 13-1 Floor Area Ratio

To allow a floor area ratio of six (6) rather than a maximum of four (4).

6. Section 8-7 Use Item 72, 23-1 and 23-4 Off-Street Parking

To allow the garage use without the required conditional use permit and to require only thirty-four (34) parking spaces rather than the fifty-eight (58) spaces required.

The garage plan, revised January 13, 1977 (sic 78), is approved except for three (3) parking spaces in the middle of the Newbury Street side of the building (Bays 4 to 5) without maneuvering space provided that the balance of parking spaces needed by tenants up to a maximum of one car space per unit be arranged by written agreement with a commercial parking garage nearby, and that evidence of this written agreement shall be provided to the Boston Redevelopment Authority, and that notice of said agreement be given to tenants who are unable to secure parking space in the on-site garage.

MEMORANDUM

MARCH 23, 1978

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT F. WALSH

SUBJECT: EXETER TOWERS ASSOCIATES
APPROVAL OF 121A REPORT AND DECISION AND
STATEMENT OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

On January 19, 1978, the Authority held a public hearing on the application of Exeter Towers Associates for the Authority's approval of a Project to be undertaken pursuant to Chapter 121A as amended. At that meeting the Board heard a presentation from the Applicants.

This proposal calls for the construction of a nine-story building which will contain ninety-six units of housing, 12,000 square feet of residential space and a parking garage. The Project Area is located at the intersection of Newbury and Exeter Streets in the Back Bay section of Boston.

With respect to the Applicants request for permission to deviate from the provisions of the Boston Zoning Code, the Authority's staff has reviewed these requests and recommends approval with one proviso concerning parking. The Authority has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal for Exeter Towers Associates has thus been examined both as to its Environmental Impact and as to its compliance with 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Exeter Towers Associates and approve the Project as having no significant Environmental Impact.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Exeter Towers Associates for Authorization and Approval of a Project Under Massachusetts General Laws (Ter.Ed.), as amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out By a Limited Partnership Formed Under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A" which includes a determination by the Authority that said Project has no significant Environmental Impact, be and hereby is approved and adopted.